

Beaver County  
Beaver, UT 84713  
January 8, 2007

The Board of County Commissioners met on January 8, 2007 at 10:00 a.m. for its regularly scheduled meeting. Those present were Chad W. Johnson, Member; William L. Dalton, Member; Donald J. Willden, Member; Bryan L. Harris, Commission Assistant; Leo G. Kanell, Deputy Attorney; and Paul B. Barton, Clerk/Auditor.

Minutes of the December 4, 18 & 27, 2006 meetings were read. It was moved by Comm. Willden, seconded by Comm. Dalton and unanimously passed to approve the minutes with the following addition: It was moved by Comm. Willden, seconded by Comm. Dalton and unanimously passed to approve the hiring of Shelly Marshall to work in the Assessor's office.

Keith Draper met with the Board to present a contract on the inmate phone system. It was moved by Comm. Willden, seconded by Comm. Dalton and unanimously approved to authorize Comm. Johnson to sign the contract with FSH Communications on the inmate phone system.

Bill Treder and Bob Matejzel met with the Board to discuss the possibility of vacating a road in the Greenville area at 85 W. 125 N. Mr. Treder explained the reason for the closure. It was moved by Comm. Dalton, seconded by Comm. Willden and unanimously approved to advertise the road closure with a hearing date set for March 5, 2007.

A fee for an appeal on a concept plan from the Planning Commission to the County Commission. County Attorney Von Christiansen recommended that the fee be set the same as the original application. It was moved by Comm. Willden, seconded by Comm. Dalton and unanimously approved to set the fee as the same as the original application. Also, Mr. Barton will contact the Planning & Zoning department and have them develop a fee schedule.

A change to the Notary Public Bond held by the County was discussed. The bond has changed including defense costs in the policy limits. It was the consensus of the Board to keep the bond and train all employees holding notary seals.

The property tax abatement application of Michael Morris was reviewed. It was moved by Comm. Dalton, seconded by Comm. Willden and unanimously passed to approve the abatement.

Randy Johnson met with the Board to give an update on the county land use legislation in congress. Congressman Jim Matheson will spearhead the bill in the House. Sen. Harry Reid has attached the legislation to a health bill in the Senate. Because of the change of power in congress to the Democratic Party. The Board tabled the issues for further discussion.

A letter from Maureen Beutler re: vacation hour carry-over. Ms. Beutler would like the Board to raise the allowed hours on the annual carry-over. After discussing the issue, the Board felt like the issue was more of a scheduling issue. No action was taken.

Mr. Kanell explained Ordinance #2007-01 - An Ordinance Amending the Revised Ordinances of Beaver increasing the Transient Room Tax from 3.0% to 4.25% and adding to the allowed uses of the funds. It was moved by Comm. Dalton, seconded by Comm. Willden and unanimously approved to adopt the ordinance and authorize Comm. Johnson to sign the ordinance.

The Board reviewed assignments and appointments. It was the consensus of the Board to make the following assignments:

Elected Officials Liaison	Comm. Dalton
Council on Aging	Comm. Dalton
Fair Board	Board of Commissioners
Five County Steering Committee	Comm. Johnson
Human Services	Comm. Willden
Library	No appointment made
Planning & Zoning	Comm. Dalton
Public Safety	Comm. Johnson
Road Department	Comm. Willden
Southwest Public Health	Comm. Willden
Southwest Center (Mental Health)	Comm. Willden
Travel Council	Comm. Johnson
Beaver Fire District #1	Comm. Dalton
Beaver County Fire District #2	Comm. Willden
Milford Area Health Care Service District #3	Comm. Willden
Solid Waste District #5	Comm. Willden
Elk Meadows Special Service District	Comm. Johnson
NACO Public Safety/Correction Steering Committee	Comm. Johnson
SUPAC	Comm. Dalton
Five County Natural Resources	Comm. Dalton, Comm. Willden, Mr. Harris
Economic Development	Comm. Johnson
Color Country RC&D	Comm. Dalton

The reorganization of the Board of Commissioners was discussed. It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to appoint Comm. Willden as the chairman.

The development at Elk Meadows was discussed. The Board set a special meeting to meet with interested groups and individuals. The meeting was start at 10:00 a.m.

The Board discussed the possibility of forming a water conservancy district. The Board felt that this would be a good discussion for the Council on Governments meeting to be held later this month.

Sgt. David Bairett, from the Utah High Patrol, met with the Board to propose that the County contract with UHP to work overtime shifts and contract with the State of Utah at the rate of \$50.00

per hour. Sheriff Cameron Noel was present for the discussion. The Troopers will be employed by the State and use State equipment. Sheriff Noel stated that he would like to try the program on a 6 month basis. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to table the agreement to the meeting on January 22, 2007 to allow legal counsel to have a chance to review the contract.

Mark Nelson, Clint Albrecht, Lareta Reynolds and Aubry Reynolds met with the Board to review the cooperative agreement with the Extension Service. It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to authorize the chairman to sign the agreement.

Max Anderson met with the Board to discuss Resolution No. 2007-01 - A Resolution Approving the Interlocal Agreement between Beaver Housing Authority and Beaver County and the Interlocal Cooperative Agreement. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to authorize the Chairman to sign the resolution and the agreement.

Bills on file were reviewed for payment. A bill for cellular phone reimbursement was reviewed with Judge Shad Bradshaw. Also, the question of office hours was discussed. The matter was tabled.

There being no further business, the meeting was adjourned.

APPROVED \_\_\_\_\_  
Chairman

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Clerk/Auditor

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Beaver County  
Beaver, UT 84713  
January 11, 2007

The Board of County Commissioners met on January 11, 2007 at 10:00 a.m. for a special meeting. Those present were Donald J. Willden, Chairman; William L. Dalton, Member; Chad W. Johnson, Member; Bryan L. Harris, Commission Assistant; and Paul B. Barton, Clerk/Auditor.

Also present: Bruce Parker, Craig Davis, and Dee Draney.

Bruce Parker, a planning consultant retained by Beaver County, made an opening statement regarding the purpose of the meeting. The purpose of the meeting is to receive input from various organizations and entities regarding the Mt. Holly Club development.

Scott Snow from UDOT met to discuss their concerns. The following items were discussed: Access points off state highways. Minimize access points and roads coming off the highway. Minimize driveways accessing State Highway. Set-back distance for buildings from State Highway. Access point at lower lodge parking lot. Ski bridge and chairlift over highway are possible if designed to UDOT's standards. He recommends that the county require a traffic impact study be completed.

Warren and Kary Monroe from Jones and DeMille Engineering, Beaver County Engineers, met to discuss the county's construction standards and what we should require. The construction standards required for the development will be detailed in the development agreement. Culinary water, sewer, and road concerns were discussed in detail

Ron Wilson, George Humphries, and Jack Erwig met to discuss fire and forestry issues. The following items were discussed: Gated Roads. Fuel reduction work around the boundary. Defensible Space. Building Materials. Dead end Roads. The wildland urban interface code and the International Fire Code. If these two codes are followed the fire concerns should be taken care of.

Rob Herbert, Ed Macauley, Scott Hacking, and Randy Taylor met to discuss concerns regarding wastewater, sewer, and water. The following issues were discussed: Concept approval has been issued for the Wastewater Treatment Plant. The approved system is a micro-filtration treatment plant with a de-nitrification system. The following permits will be required from the Division of water quality: Construction Permit, Operating Permit, Underground Injection Control Permit.

Jeff Ostermiller in charge of water monitoring for the state. The state will not require groundwater monitoring wells because they are testing the effluent before it goes into the ground. It must be decided by the County if groundwater monitoring wells will be required.

A statement of feasibility for drinking water must be obtained from the State. This is not a requirement of the state, but it is required by the county.

Dust control must be addressed through a permit from the State. Operating costs of the sewer plant must be covered by developer for a certain period of time or until a certain amount of lots are sold.

Craig Davidson met to discuss concerns in regards to impact on healthcare in the county. Craig does not anticipate any negative impacts to the hospital. The project would increase the number of people in the county, which would be a positive for the hospital.

Craig Wright and Jack Erwig from Beaver Ambulance met to discuss their concerns. The roads need to be accessible at all times. A four wheel drive ambulance will need to be purchased. Consider having developer cover this cost. If an ambulance is stationed on the mountain, the costs to cover the employees would need to be covered.

Brent Farnsworth from the Division of Wildlife Resources met to discuss wildlife concerns. His concerns were displacement of animals, fencing, and what will happen with Puffer Lake. The state would like to see what type of fencing is proposed. It should be wildlife compatible. Bear proof trash receptacles.

Terry Krasko, Mary Erickson, and Cindy Mackelprang with the Forest Service met to discuss concerns in regards to issues related to the Forest Service. The following items were discussed: Current Easements. Gap in the Tushar Trail system. Access to Puffer Lake. Trail and access issues.

There being no further business, the meeting was adjourned.

APPROVED \_\_\_\_\_  
Chairman

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Clerk/Auditor

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Beaver County  
Beaver, UT 84713  
January 22, 2007

The Board of County Commissioners met on January 22, 2007 at 10:00 a.m. for its work meeting. Those present were Chad W. Johnson, Member; William L. Dalton, Member; Donald J. Willden, Member; Bryan L. Harris, Commission Assistant; Von Christiansen, Deputy Attorney; and Kari Draper as Deputy Clerk. Clerk/Auditor, Paul B. Barton was excused.

Welcome and Approval of Agenda

Commissioner Willden called meeting to order.

Milford Seniors Citizens

New Business -Nomination of Board member. This item was not previously put on the agenda; therefore no action could be taken. It will be placed on the agenda for next meeting.

Enoch Nick Swain will be presented as a new board member.

Discussion on approval of advertised agenda. No action taken.

Alternative Individual Waste Water Treatment Systems w/Southwest Public Health Dept

Rod Costlett, Randy Taylor, Lawrence Parker, and Scott Hacking, members of the Southwest Public Health Department. Craig Davis was present as Building Inspector for Beaver County.

With new information available and improved ways of addressing septic issues, several alternative options for Septic Systems are now available. Other counties have already approved the use of some of the new systems. These new options are:

Gravel filter systems (Located in a building. Discussion on details of this type of system.)

Textile Filter system

Re-circulating sand system

Costs involved are about 3x other systems.

The representatives of Southwest Public Health would like the following from Beaver County:

#1 Resolution to support local Health Dept. and the county's approval of new type of systems.

#2 Have a ground water management policy. Form of a letter from the commission addressing the concern of density etc.

#3 Letter from County Attorney in support of these types of systems and would stand behind policy made.

Discussion ensued concerning the approval of septic systems.

These new systems would be allowed to locate where septic tanks were not previously allowed.

Commissioner Johnson recommended that a power point presentation be made to the P/Z Commission first, then they in turn could make a recommendation to this Board as to what would be best for Beaver County. All members of the board agreed. Commissioner Willden thanked the participants for their time.

#### Southwest Behavioral Health Center Audit Report.

Commissioner Willden sits as a member of the Southwest Behavioral Health Center Committee and he was asked to present their 2006 Audit Report for approval. Audit report included in packet. Commissioner Billie Dalton motioned that the audit report be approved, seconded by Commissioner Johnson, motion passed unanimously.

#### LeeAnn Carter consideration of double assessment.

The following parcels were double assessed:

Neal A. Jeffery, 03-0028-0033, a clerical error was made on the 2005 taxes, therefore this amount needs to be removed from the 2005 tax roll.

Western Utah Copper, 2168-A county assessed  
07-0700-0260, state assessed.

James L. Johnson, 03-0007-0033, change from secondary to primary on value. Value change to \$49,968.

Commissioner Johnson made a motion to approve these changes, Commissioner Dalton seconded, motion passed unanimously.

#### Appeal of November 15, 2006 Planning & Zoning Commission Approval of Mt Holly Club Concept Plan.

Commissioner Willden explained in detail the process for conducting the meeting. Each representative would be given time to present his or her argument.

Allan Bradshaw representing the Appeal for Mt Holly Homeowners. 12 existing associations.

#1 Want to make sure the planning process is followed in detail.

#2 Existing rights for the Homeowners are validated.

The reasons for our appeal of the approval from the P/Z Board are:

#1 Did not give concern to PUD Ordinance.

#2 Required notices were not given to existing homeowners and SSD. (Refer to Page 17)

#3 Compliance with Special Service District Ordinance was not met. (Basic concern is water rights, and what the rights are to be used for.)

Each item was explained to the board by Mr. Bradshaw.

Craig Smith & Jay Peck (Addressed all concerns presented)

Concept for this project is different than those that were previously presented. PCD, LLC is sorry that this issue is so controversial, but they believe their concept plan will work. No others have up to this point.

The Planning Commission was very careful in the process of approval and had three separate meetings with Forest Service to maintain the correct property rights. Mr. Smith made three points for denying appeal:

- #1 PUD does not apply today, at this step of our Concept Approval. At this step we are not trying to meet all the requirements. It is impossible to know what will be required of us, until we have the plan finalized.
- #2 Notice- Concept Plan is not a Subdivision Application. It is just as stated. A "Concept" Plan. This is an indication that we can go ahead. At this step "notice" is not required. Any appeal must be brought to your attention within 30 days. Clearly the 30 day limit was not met.
- #3 An appeal must show that there was a prejudice against you. The appeal must show that an error was made. Neither of these conditions exist.

Time was turned back to Allan Bradshaw.

PUD Ordinance should have been followed to the letter.

His response was that the PUD Ordinance was the only process that should be followed.

Mr. Bradshaw stated that he did indeed feel that they met the proof of prejudice.

Mr. Smith

Water analysis has been done. If we need more water we will address that issue at a later time.

We hope to improve on the septic issues at that time also. Access will continue and rights will be preserved.

Puffer Lake access is available.

Notice was not given.

PUD encompasses our property, not other property. We feel like we can address all concerns at the proper time in the process.

Attorney for Beaver County Von Christiansen asked several questions for clarification.

When will the application be filed? (Answer at time of preliminary plat)

Why do LUDMA requirements not apply to the Concept Plan?

It is not addressed at this point.

Where in the LUDMA statute are the requirement for Concept Plan addressed.

Both Mr. Smith and Mr. Bradshaw were asked questions and were allowed to answer.

Commissioners then were asked to respond.

Commissioner Johnson stated that the Planning & Zoning Board did a commendable job in making their decision, and this board supports their decision. We have tried to do all we can to hear all concerns.

Craig Davis was asked to address some of the issue that have arisen.

What is the normal procedure for the PUD process.

Notice issue, etc.

He addressed the idea of what a Concept Plan is.

What adverse effects have occurred to Homeowners?

Access was strongly addressed.

Existing property rights.

All questions and concerns being properly brought before the board, the commission will dismiss all interested parties to deliberate. Commissioner Willden explained the options open to this board:

#1 Dismiss the Appeal

#2 Approve the Appeal

#3 Table the Appeal

Commissioner Johnson made a motion to deny the application of appeal; seconded by Commission Dalton, motion passed unanimously.

Executive session regarding Personnel w/Sheriff Cameron Noel

Commission Johnson motioned to move into closed session, seconded by Commission Dalton; motion passed unanimously by roll call vote. Commissioner Johnson motioned to move out of closed session and Commissioner Dalton seconded, motion passed unanimously.

Commission meeting resumed at 12:40 p.m.

Commission Update:

Commissioner Johnson has been working with Legislature on the core rate. It is presently \$42.42 and it has been proposed to go to \$49.50 per day. Commissioner Johnson has been working w/Rob Adams on the Gas rates to get the 30.00 fee taken off of some communities. (On average it will be \$30.00 a month fee.)

LUNCH-w/School District to discuss School Nurse & Impacts of Mt Holly Club

(Attendance roll attached)

There being no further business, the meeting was adjourned.

APPROVED \_\_\_\_\_  
Chairman

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Clerk/Auditor

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